

**REGULAR MEETING
JANUARY 14, 2003**

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Tuesday, January 14, 2003, at the hour of 7:00 PM. Those present were Commissioners: Larry Branham, Larry Brown, Kevin Gunderson, Don Maxwell and Mayor Stephen E. Gilmore, who presided. Also present were: William H. Fisher, Jr., City Manager; Richard W. Martin, Corporation Counsel; Deborah Musser, City Clerk; Mark Osborne, Fire Chief; Tom Kelley, Chief of Police; Tony Grubb, Finance Director; Steve Corbitt, Director of Public Services; Jim Shaw, Director of Planning and Community Development; Gail Melvin, Economic Development Director; Marion Russell, Assistant Director of Public Services; and Greg Rice, Safety/Risk/Insurance Manager.

The invocation was given by Commissioner Maxwell.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Fisher presented the agenda of January 14, 2003. Motion was made by Branham, seconded by Gunderson, to receive and file the agenda. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

HEARINGS AND REPORTS

City Manager's Report –

Follow-up on situation reported by a citizen at the January 2, 2003 meeting – the items have been trimmed at 13th Street and Montgomery Avenue.

The storm sewer project is proceeding across Winchester Avenue and the street should be reopened by the end of the week.

The Water Plant Expansion project bids will be opened on January 23, 2003.

Mayor and City Commissioners' Comments –

Commissioner Branham gave the Human Rights Commission appreciation for a job well done for the January 12 rally.

Commissioner Maxwell: (1) expressed appreciation to the Ashland Police Department for the efforts on Sunday, January 12, during the protestors from Kansas activity at area churches and outside the Paramount Arts Center, (2) asked for review of the truck parked on Winchester Avenue with warning signs about a local brokerage company that parks overnight and is seldom moved whether something can be done as it is a detriment to visitors to the City, (3) asked for revival of the Downtown Parking Committee and (4) contacted American Electric Power (AEP) and learned no company representative checks for burnt out lights and respond to call about replacement lights. He asked whether someone from the City has responsibility to checking lights and making report to AEP for replacement.

Mayor Gilmore echoed remarks of praise for members of the Police & Fire Departments during the visit by the Kansas protestors. Mayor Gilmore also expressed appreciation for the cooperation by Sheriff Terry Keelin and Mayor David Felinton of Huntington.

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HEARINGS AND REPORTS CONTINUED

Jim Purgerson of the Ashland Alliance presented the ten minute Quality of Life in Ashland video produced by Ohio University Southern Campus personnel. Mr. Purgerson also distributed copies of the Ashland, Boyd & Greenup County map and Ashland area magazine being utilized by the Alliance.

OLD BUSINESS
SECOND READING & FINAL ADOPTION

ORDINANCE NO. 8, 2003

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE ZONING MAP OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF ASHLAND NO. 101, SERIES OF 1986, AS PREVIOUSLY AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 2840, 2844 AND 2848 HILTON AVENUE FROM R-5 RESIDENTIAL/MEDIUM DENSITY TO B-1 BUSINESS/NEIGHBORHOOD.

* * * * *

WHEREAS, a request has been received from Jeff Sartaine, 29th Street Realty, LLC, for the rezoning of property located at 2840, 2844 and 2848 Hilton Avenue from R-5 Residential/Medium Density to B-1 Business/Neighborhood, and

WHEREAS, the Ashland Planning Commission has duly advertised and conducted public hearing on said application on December 17, 2002; and on the basis of evidence presented thereat made certain factual determinations and concluded therefrom that the proposed change is in conformance with the adopted Comprehensive Plan; and made a recommendation to the Ashland City Commission that said application be approved as requested

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. On the basis of the aforementioned factual determinations and recommendations by the Ashland Planning Commission with further review of such facts of the Ashland Board of City Commissioners, and pursuant to KRS Chapter 100, that the official Zoning Ordinance of the City of Ashland, No. 101, series of 1986 and the official Zoning Map which is a part thereof, be hereby amended as follows:

The zoning classification of property at 2840, 2844 and 2848 Hilton Avenue from R-5 Residential/Medium Density to B-1 Business/Neighborhood

SECTION 2. The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

SECTION 3. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 5. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

REGULAR MEETING JANUARY 14, 2003
ORDINANCE NO. 8, 2003 CONTINUED

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 2, 2003
READOPTED BY THE BOARD OF COMMISSIONERS: January 14, 2003
PUBLISHED:

MOTION

Motion was made by Gunderson, seconded by Branham, to adopt Ordinance No. 8, 2003, at this its second reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

READING

RESOLUTION NO. _____, 2003

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY,
ACCEPTING THE ASHLAND PLANNING COMMISSION'S
RECOMMENDATION TO DENY A PETITION TO REZONE
3120 OLD 13TH STREET FROM B-
1/BUSINESS/NEIGHBORHOOD TO R-4 MULTI/SINGLE
FAMILY RESIDENTIAL/HIGH DENSITY.

MOTION

Motion was made by Brown, seconded by Branham, to adopt Resolution No. _____, 2003.

DISCUSSION

Mayor Gilmore instructed both parties to limit discussion to ten minutes each. Harold Kelley, Attorney representing Jane Horne, requested the board approve the rezoning request as done previously. Anna Ruth, Attorney, 1620 Carter Avenue, representing Mr. & Mrs. Dixon, clarified her clients had been willing to compromise if the rezoning were changed to R5 but Ms. Horne refused. The matter was filed for appeal in the Circuit Court but sent back to the Planning Commission to adopt findings of fact. Ms. Ruth explained Ms. Horne is making the request for rezoning for only the lot containing the apartment building. She gave a brief history of previous requests by Ms. Horne for this property and her other lots in the area. Ms. Ruth referred to the request as spot zoning and asked the Board to consider all evidence presented and deny the rezoning request. Mayor Gilmore stated he had met with both parties but did not discuss the matter with any of the Commissioners. He does not view the request as spot zoning. Commissioner Maxwell stated he had review the area in question and does not see how the 4 apartments could increase the traffic since approximately 4,000 people visit the YMCA.

VOTE ON MOTION TO ADOPT

Upon roll call, voting aye were Commissioners Branham and Brown. Nay – Commissioners Gunderson, Maxwell and Mayor Gilmore. Motion failed.

Corporation Counsel Martin explained the findings of fact must be adopted before consideration of the ordinance to amend the zoning map.

Planning & Community Development Director Shaw presented two alternatives as findings of fact.

REGULAR MEETING JANUARY 14, 2003
OLD BUSINESS CONTINUED

MOTION

Motion was made by Gunderson, seconded by Maxwell, to adopt the following findings of fact: The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate due to the location of the property adjacent to or near commercial properties, multi-family residential developments, and the YMCA facility. Upon roll call, voting aye were Commissioners Branham, Gunderson, Maxwell and Mayor Gilmore. Nay – Commissioner Brown. Motion passed.

MOTION

Motion was made by Maxwell, seconded by Branham, authorizing the preparation of an ordinance rezoning 3120 Old 13th Street. Upon roll call, voting aye were Commissioners Branham, Gunderson, Maxwell and Mayor Gilmore. Nay – Commissioner Brown. Motion passed.

CONSENT AGENDA

RESOLUTION NO. 2, 2003

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY,
ADOPTING, AUTHORIZING AND APPROVING THE
COURSE OF ACTION RECOMMENDED BY THE CITY
MANAGER ON THE ITEMS APPEARING ON THE CONSENT
AGENDA FOR THE REGULAR MEETING OF THE BOARD
OF CITY COMMISSIONERS OF **JANUARY 14, 2003**.

* * * * *

BE IT RSOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action recommended by the City Manager on each item appearing on the "Consent Agenda" for the meeting of **January 14, 2003**. Attached hereto and incorporated herein, as if set out in full, is a copy of the "Consent Agenda" hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 14, 2003

MOTION

Motion was made by Brown, seconded by Branham, to adopt Resolution No. 2, 2003. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING JANUARY 14, 2003
NEW BUSINESS

NEW BUSINESS
FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2003

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND WILDCAT EXCAVATING & CONSTRUCTION, LLC FOR THE INSTALLATION OF DRAINAGE ON MARCIA STREET FOR THE DEPARTMENT OF PUBLIC SERVICES.

MOTION

Motion was made by Gunderson, seconded by Branham, to adopt Ordinance No. _____, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2003

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 DATED JANUARY 2, 2003 AND CHANGE ORDER NO. 2 DATED JANUARY 7, 2003, BETWEEN THE CITY OF ASHLAND, KENTUCKY AND FIELDS EXCAVATING, INC. FOR A CONTRACT DATED SEPTEMBER 17, 2002 REGARDING THE 25TH STREET AREA STORM RELIEF PROJECT.

MOTION

Motion was made by Gunderson, seconded by Maxwell, to adopt Ordinance No. _____, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

READING & ADOPTION

RESOLUTION NO. 3, 2003

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, SUPPORTING THE PROPOSED INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF 13TH STREET (U.S. 60) AND BOY SCOUT ROAD BY THE KENTUCKY DEPARTMENT OF TRANSPORTATION.

* * * * *

BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Board of City Commissioners of the City of Ashland, Kentucky, hereby supports the proposed installation of a traffic signal at the intersection of 13th Street (U.S. 60) and Boy Scout Road by the Kentucky Transportation Cabinet.

REGULAR MEETING JANUARY 14, 2003
RESOLUTION NO. 3, 2003 CONTINUED

SECTION 2. The Board additionally requests that the Cabinet adopt a 45 mph speed limit from the Ashland corporate city limits to KY Route 180 and old U.S. 60.

SECTION 3. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 14, 2003

MOTION

Motion was made by Branham, seconded by Brown, to adopt Resolution No. 3, 2003.

MOTION TO AMEND

Motion was made by Gunderson, seconded by Maxwell, to request the adoption of a 45 mph speed limit from the Ashland corporation city limits to KY Route 180 and Old U.S. 60. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

MOTION TO ADOPT AS AMENDED

Motion was made by Gunderson, seconded by Brown, to adopt Resolution No. 3, 2003 as amended. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

DISCUSSION ITEMS

Sign ordinance appeal by Ashland Foodland Fresh, 1225 13th Street – Motion was made by Brown, seconded by Branham, to deny the appeal. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

Sign ordinance appeal by John Whitt (Exxon Tiger Mart), 1122 13th Street - Motion was made by Branham, seconded by Brown, to deny the appeal. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

APPOINTMENTS

Motion was made by Gunderson, seconded by Maxwell, approving the Mayor's appointment of the following:

Larry Lake/Ashland Planning Commission/1/1/2001–1/1/2005/Vacated by Tom Burnette
Larry Bailey/BZA/2/28/2000–2/28/2004/Vacated by Don Maxwell

Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING JANUARY 14, 2003
OTHER NEW BUSINESS CONTINUED

OTHER NEW BUSINESS

Motion was made by Branham, seconded by Gunderson, to prepare a resolution in support of the State Crime Lab's relocation remaining within the City limits. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

Motion was made by Brown, seconded by Maxwell, to prepare a resolution in support of the efforts of management and union personnel to work out concessions to allow Kentucky Electric Steel to remain in operation and offer support and encouragement to workers. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

Mayor Gilmore requested each Commissioner submit the name of a citizen to serve on the committee on the Comprehensive Plan and submit their nominees by January 24 in order to have the appointments ready for the first meeting in February.

Commissioner Maxwell discussed the need for revival of a Downtown Parking Committee. City Manager Fisher will talk to the Main Street Chairman to determine the status of the committee. Mr. Maxwell asked about the parking lot next to the Transportation Center. He was informed the lot had been paved with the first coat, but the lighting was not complete and the top coat would need to be applied. The project cost is \$30,000.00 to date.

ADJOURNMENT

Mayor Gilmore declared the meeting adjourned at 8:30 PM.

STEPHEN E. GILMORE
MAYOR

ATTEST:

DEBORAH MUSSER
CITY CLERK